

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2364 OF 2024
IN
CRIMINAL APPEAL NO.1123 OF 2013**

Virendra Kumar Gupta Applicant

versus

CBI ACB, Mumbai &Anr. Respondents

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- Mr. Samarchandra Choudhary i/b. Arshad Ali Khan, Advocate for Applicant.
- Mr. Kuldeep Patil, Advocate for Respondent No.1 (CBI).
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 04th JULY, 2024**

P.C. :

1. The Applicant is the original Appellant in Criminal Appeal No.1123 of 2013. He was the original accused in CBI Special Case No.54 of 2001, before the Special Judge, CBI, Greater Mumbai. He was convicted for commission of offence punishable u/s 13(1)(e) r/w 13(2) of the Prevention of Corruption Act and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.50,000/- and in default to suffer further rigorous imprisonment for one month.

2. This Judgment and Order was passed on 28/08/2013. Thereafter the Applicant preferred the Criminal Appeal No.1123 of 2013 before this Court, which is already admitted. The Applicant was released on bail vide the order dated 14/10/2013 passed in Criminal Bail Application No.1385 of 2013 in Criminal Appeal No.1123 of 2013. Thereafter, in the past, on one occasion, this Court (Coram : Abhay M. Thipsay, J.) vide the order dated 09/03/2015 passed in Criminal Application No.263 of 2015 in Criminal Appeal No.1123 of 2013 had permitted the Applicant to travel abroad. After that, the Applicant had duly returned. He had not violated any conditions.
3. Today, this application is moved for permission to travel abroad. His son has got permanent residential Visa of USA. In July 2023, the Applicant's son Chirag met with an accident and had undergone major operation of his knee. He has still not completely recovered and has to go for physiotherapy. So the Applicant is desirous to visit USA to meet his son between 15/07/2024 to 15/09/2024. He has given the residential address of his son in paragraph No.9 on this application.

4. Learned counsel Mr. Patil appearing for Respondent No.1 opposed this application.

5. Considering the genuine reason for which the Applicant is desirous of visiting his son in the USA, I am inclined to permit him to travel to USA between 15/07/2024 to 15/09/2024 as prayed for. There are no allegations that the Applicant had violated any conditions. He had earlier travelled abroad pursuant to the order passed by this Court as mentioned earlier. Therefore, there is no apprehension of the Applicant not being available to face the consequence of result of Appeal which is pending before this Court since 2013. The Applicant is a 72 year old person. The Appeal is not likely to be decided in near future. Considering all these aspects, the application is allowed.

6. Hence, the following order :

ORDER

- (i) The Applicant is permitted to travel to USA between 15/07/2024 to 15/09/2024 on his depositing Rs.50,000/- before this Court.

- (ii) On his return, the Applicant is permitted to withdraw the said amount of Rs.50,000/- deposited in this Court.
- (iii) The application is disposed of.

(SARANG V. KOTWAL, J.)